

Attorney Docket No.: 5442.400-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Outtrup et al. Confirmation: 4801

Serial No.: 09/382,096 Group Art Unit: 1652

Filed: August 24, 1999 Examiner: Patterson, C.

For: Alkaline Bacillus Amylase

SUPPLEMENTAL RESPONSE UNDER 37 C.F.R. 1.116

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a supplemental response to the Office Action mailed February 25, 2003 and to Applicants' response of August 25, 2003.

REMARKS

Claims 1-8 and 16-19 are pending.

Further to a telephone communication regarding the status of the case, the Examiner requested that Applicants' clarify the support for claim 5.

It is respectfully submitted that the present response presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the following remarks is requested.

I. The Rejection of Claim 5 under 35 U.S.C. 112

Claim 5 stands rejected under 35 U.S.C. 112 as non-enabled. The Examiner states that claim 5 claims retention of >90% activity under conditions at 25°C and <90% activity under the same conditions at 30°C. The Examiner alleges that there is "apparently no teaching of the activity of the enzyme under the conditions in the instant specification." The Examiner states that he has examined page 5 of the specification, as requested by Applicants in their prior response, and the Examiner does not find "any mention of these conditions."

Claim 5, as pending, is reproduced below:

5. The alpha-amylase of claim 1, wherein said alpha-amylase retains more than 90 % of its activity after 20 minutes incubation at 25°C in a solution of 3 g/l of a test detergent containing 20% sodium tripolyphosphate (STPP), 25% Na₂SO₄, 15% Na₂CO₃, 20% linear alkylbenzene sulfonate (LAS), 5% C₁₂-C₁₅ alcohol ethoxylate, 5% Na₂SiO₃, 0.3% NaCl at pH 10.5 and 6 degrees German hardness, and retains less than 90 % of its activity after 20 minutes incubation at 30°C in the same solution.

In addition to the support found at page 5 of the specification, claim 5 is also supported by original claim 5, as originally filed, which contains an identical recitation with the exception that certain abbreviations are spelled out, and by the specification at page 2, lines 24-29, which also contains an identical disclosure with the exception that certain abbreviations are spelled out.

Applicants respectfully request reconsideration and withdrawal of the rejection.

III. Conclusion

In view of the above and in view of the remarks and facts provided with Applicants' response of August 25, 2003, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to

contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: October 16, 2003


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